

April 4, 2003

4/10

RE: APPLICATION NO. 09/932,820

FILING DATE: 08/20/2001

Andrew Allen Schinkel

FAX RECEIVED

PAINT TRAY W/HANDLE

MAR 04 2003

TO Joseph Moy ART UNIT 3727

GROUP 3700

Sir,

Please clarify your point that: "there is no patentable distinction between a tray and a container because both are confined having that function to contain object". How is it that the Beback "tray" (U.S. 6,419,106) has been accepted. I note that in his abstract that Beback has verbally described his container. Is the problem that I have failed (through ignorance) to describe my tray with such verbal detail - vertical walls etc. Am I to be rejected due to this? The visual of the HANDLE to my tray clearly illustrates its ergonomic distinction from the handles of Beback, Ippolito, Lundy, Hollje. My handle allows the function of utilizing my tray (with a roller applicator) in a manner distinct from the other tray/bucket/containers mentioned above. Sir, again I ask if the problem here is an inadequate verbal description of my structure or claim (claim #1) of my tray and handle and ask that you direct me in a description for my invention to render it patentable based on only the first claim. (I can see and accept the rejection of the other two claims).

Gratefully,

Allen S.